

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6970**

**BILL NUMBER:** HB 1252

**NOTE PREPARED:** Jan 4, 2012

**BILL AMENDED:**

**SUBJECT:** Prerequisites for Filing for Dissolution of Marriage.

**FIRST AUTHOR:** Rep. Noe

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- (1) Provides that a parent of a minor child may not commence a proceeding for dissolution of marriage against the other parent of the child before the earlier of: (a) 120 days after a parent files with a court a notice of intent to dissolve a marriage if both parents of a child complete, not earlier than three years before commencing a proceeding for dissolution of marriage, a divorce education program approved by the Department of Child Services (DCS); or (b) 300 days after a parent files with a court a notice of intent to dissolve a marriage if one or both parents of the child do not complete a divorce education program.
- (2) Provides exceptions to these requirements.
- (3) Allows a parent to file for provisional orders after a parent has filed a notice of intent to dissolve a marriage.
- (4) Requires the DCS to approve divorce education programs that meet certain requirements.
- (5) Provides that each parent is responsible for the individual parent's cost in attending and completing a divorce education program.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** DCS reports this bill is expected to increase the agency workload to approve divorce education classes. Because the number of divorce education classes offered in the state is unknown, the increase in workload (and possible staffing expenditures) to the DCS is indeterminable.

**Explanation of State Revenues:** This bill is silent on fees the DCS may charge to approve a divorce education class. Provided the DCS adopts fees for divorce education courses by rule, any increase in DCS

expenditures for staffing to approve divorce education courses may be offset. Actual increases in revenue from approval fees will depend on DCS administrative actions and, if fees are adopted, the amount established.

It is not known if the filing of intent to dissolve a marriage notice will be subject to civil costs fees. However, to the extent a local court collects civil cost fees for an intent to dissolve a marriage notice, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**Explanation of Local Expenditures:** This bill establishes an “intent to dissolve a marriage” notice. Parents of a minor child who wish to divorce are required to file this notice with a court having jurisdiction. The bill is silent on any filing fees for the intent to dissolve a marriage notice. Additionally, the bill is silent on the responsibility of a court to both create and provide forms for the intent to dissolve a marriage notice and maintain information on approved DCS divorce education courses. It is not known if these forms will be provided by the courts, and if so, if the court will bear the costs of producing these forms.

Individuals who file notices of intent are not granted a hearing before the hearing for the dissolution of their marriage unless one of the parties is granted a hearing for a provisional order. By requiring couples with minor children to file a notice of intent with a court, court caseload may increase to hear provisional orders, as requested by one of the filing parties. However, to the extent a couple who file a notice of intent with the court but do not request a dissolution of marriage hearing may decrease court caseload. The total impact to court caseload as a result of this bill is indeterminable.

**Explanation of Local Revenues:** It is not known if the filing of a notice intent to dissolve a marriage will be subject to civil costs fees. However, to the extent a local court collects civil cost fees for an intent to dissolve a marriage notice, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:** DCS.

**Local Agencies Affected:** Local courts.

**Information Sources:** Brady Brookes, DCS.

**Fiscal Analyst:** Bill Brumbach, 232-9559.